

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 3:13-CR-050 JD
)	
GABRIEL I. FRANCO)	

ORDER

No objections have been filed to the magistrate judge's findings and recommendation upon a plea of guilty issued on May 9, 2013 [DE 11]. Accordingly, the court now ADOPTS those findings and recommendations, with the exception that the schedule for sentencing laid out therein has been superseded by the schedule laid out by this court in the notice entered May 9, 2013. [DE 7]. The court ACCEPTS defendant Gabriel Franco's plea of guilty and FINDS the defendant guilty of Count 1 of the Information, in violation of 21 U.S.C. § 841(a)(1). In doing so, the Court notes that paragraph 9(e) of the Plea Agreement [DE 2 at 3] contains a statement about a mandatory minimum sentence which the parties agree is inapplicable, and which was included only by mistake. The possible penalties for the offense of conviction are as noted in paragraph 9(c) [DE 2 at 3], which is consistent with the instruction the defendant received from the magistrate judge at his plea colloquy.

SO ORDERED.

ENTERED: June 5, 2013

/s/ JON E. DEGUILIO
Judge
United States District Court